

FIRST REGULAR SESSION

SENATE BILL NO. 542

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 26, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2225S.011

AN ACT

To repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to the state treasurer, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, to read as follows:

30.750. As used in sections 30.750 to 30.767, the following terms mean:

(1) "Eligible agribusiness", a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) "Eligible alternative energy consumer", an individual who wishes to borrow moneys for the purchase, installation, or construction of facilities or equipment related to the production of fuel or power primarily for his or her own use from energy sources other than fossil fuels, including, but not limited to, solar, hydroelectric, wind, and qualified biomass;

(3) "Eligible alternative energy operation", a business enterprise engaged in the production [and sale] of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision [(5)] (6) of this section;

[(3)] (4) "Eligible beginning farmer",

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 18 a. Is a Missouri resident;
- 19 b. Wishes to borrow for a farm operation located in Missouri;
- 20 c. Is at least eighteen years old; and
- 21 d. In the preceding five years has not owned, either directly or indirectly,
- 22 farm land greater than fifty percent of the average size farm in the county where
- 23 the proposed farm operation is located or farm land with an appraised value
- 24 greater than four hundred fifty thousand dollars.

25 A farmer who qualifies as an eligible farmer under this provision may utilize the

26 proceeds of a linked deposit loan to purchase agricultural land, farm buildings,

27 new and used farm equipment, livestock and working capital;

28 (b) For any beginning farmer who is participating in both the linked

29 deposit program and the beginning farmer loan program administered by the

30 Missouri agriculture and small business development authority, a farmer who:

31 a. Qualifies under the definition of a beginning farmer utilized for

32 eligibility for federal tax-exempt financing, including the limitations on the use

33 of loan proceeds; and

34 b. Meets all other requirements established by the Missouri agriculture

35 and small business development authority;

36 [(4)] (5) "Eligible facility borrower", a borrower qualified under section

37 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.767;

38 [(5)] (6) "Eligible farming operation", any person engaged in farming in

39 an authorized farm corporation, family farm, or family farm corporation as

40 defined in section 350.010, RSMo, that has all of the following characteristics:

41 (a) Is headquartered in this state;

42 (b) Maintains offices, operating facilities, or farming operations and

43 transacts business in this state;

44 (c) Employs less than ten employees;

45 (d) Is organized for profit;

46 [(e)] (e) Possesses not more than sixty percent equity, where "percent equity"

47 is defined as total assets minus total liabilities divided by total assets, except

48 that an otherwise eligible farming operation applying for a loan for the purpose

49 of installing or improving a waste management practice in order to comply with

50 environmental protection regulations shall be exempt from this eligibility

51 requirement;]

52 [(6)] (7) "Eligible governmental entity", any political subdivision

53 of the state or any other public entity in the state seeking to finance

54 **capital improvements, capital outlay, or other significant programs**
55 **through an eligible lending institution;**

56 (8) "Eligible higher education institution", any approved public or private
57 institution as defined in section 173.205, RSMo;

58 [(7)] (9) "Eligible job enhancement business", a new, existing, or
59 expanding firm operating in Missouri, or as a condition of accepting the linked
60 deposit, will locate a facility or office in Missouri associated with said linked
61 deposit, which employs ten or more employees in Missouri on a yearly average
62 and which, as nearly as possible, is able to establish or retain at least one job in
63 Missouri for each fifty thousand dollars received from a linked deposit loan
64 **except when the applicant can demonstrate significant costs for**
65 **equipment, capital outlay, or capital improvements associated with the**
66 **physical expansion, renovation, or modernization of a facility or**
67 **equipment. In such cases, the maximum amount of the linked deposit**
68 **shall not exceed fifty thousand dollars per job created or retained plus**
69 **the initial cost of the physical expansion, renovation, or capital outlay;**

70 [(8)] (10) "Eligible lending institution", a financial institution that is
71 eligible to make commercial or agricultural or student loans or discount or
72 purchase such loans, is a public depository of state funds or obtains its funds
73 through the issuance of obligations, either directly or through a related entity,
74 eligible for the placement of state funds under the provisions of section 15, article
75 IV, Constitution of Missouri, and agrees to participate in the linked deposit
76 program;

77 [(9)] (11) "Eligible livestock operation", any person engaged in production
78 of livestock or poultry in an authorized farm corporation, family farm, or family
79 farm corporation as defined in section 350.010, RSMo;

80 [(10)] (12) "Eligible locally owned business", any person seeking to
81 establish a new firm, partnership, cooperative company, or corporation that shall
82 retain at least fifty-one percent ownership by residents in a county in which the
83 business is headquartered, that consists of the following characteristics:

84 (a) The county has a median population of twelve thousand five hundred
85 or less; and

86 (b) The median income of residents in the county are equal to or less than
87 the state median income; or

88 (c) The unemployment rate of the county is equal to or greater than the
89 state's unemployment rate;

90 [(11)] **(13)** "Eligible marketing enterprise", a business enterprise
91 operating in this state which is in the process of marketing its goods, products or
92 services within or outside of this state or overseas, which marketing is designed
93 to increase manufacturing, transportation, mining, communications, or other
94 enterprises in this state, which has proposed its marketing plan and strategy to
95 the department of economic development and which plan and strategy has been
96 approved by the department for purposes of eligibility pursuant to sections 30.750
97 to 30.767. Such business enterprise shall conform to the characteristics of
98 paragraphs (a), (b) and (d) of subdivision [(5)] **(6)** of this section and also employ
99 less than twenty-five employees;

100 [(12)] **(14)** "Eligible multitenant development enterprise", a new
101 enterprise that develops multitenant space for targeted industries as determined
102 by the department of economic development and approved by the department for
103 the purposes of eligibility pursuant to sections 30.750 to 30.767;

104 [(13)] **(15)** "Eligible residential property developer", an individual who
105 purchases and develops a residential structure of either two or four units, if such
106 residential property developer uses and agrees to continue to use, for at least the
107 five years immediately following the date of issuance of the linked deposit loan,
108 one of the units as his principal residence or if such person's principal residence
109 is located within one-half mile from the developed structure and such person
110 agrees to maintain the principal residence within one-half mile of the developed
111 structure for at least the five years immediately following the date of issuance of
112 the linked deposit loan;

113 [(14)] **(16)** "Eligible residential property owner", a person, firm or
114 corporation who purchases, develops or rehabilitates a multifamily residential
115 structure;

116 [(15)] **(17)** "Eligible small business", a person engaged in an activity with
117 the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and
118 which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision
119 [(5)] **(6)** of this section, and also employs less than [twenty-five] **one hundred**
120 employees;

121 [(16)] **(18)** "Eligible student borrower", any person attending, or the
122 parent of a dependent undergraduate attending, an eligible higher education
123 institution in Missouri who may or may not qualify for need-based student
124 financial aid calculated by the federal analysis called Congressional Methodology
125 Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education

126 Amendments of 1986);

127 [(17)] **(19)** "Eligible water supply system", a water system which serves
128 fewer than fifty thousand persons and which is owned and operated by:

129 (a) A public water supply district established pursuant to chapter 247,
130 RSMo; or

131 (b) A municipality or other political subdivision; or

132 (c) A water corporation;

133 and which is certified by the department of natural resources in accordance with
134 its rules and regulations to have suffered a significant decrease in its capacity to
135 meet its service needs as a result of drought;

136 [(18)] **(20)** "Farming", using or cultivating land for the production of
137 agricultural crops, livestock or livestock products, forest products, poultry or
138 poultry products, milk or dairy products, or fruit or other horticultural products;

139 [(19)] **(21)** "Linked deposit", a certificate of deposit, or in the case of
140 production credit associations, the subscription or purchase outright of obligations
141 described in section 15, article IV, Constitution of Missouri, placed by the state
142 treasurer with an eligible lending institution at rates otherwise provided by law
143 in section 30.758, provided the institution agrees to lend the value of such
144 deposit, according to the deposit agreement provided in sections 30.750 to 30.767,
145 to **eligible multitenant development enterprises**, eligible small businesses,
146 eligible alternative energy operations, **eligible alternative energy consumers**,
147 eligible locally owned businesses, farming operations, eligible job enhancement
148 businesses, eligible marketing enterprises, eligible residential property
149 developers, eligible residential property owners, **eligible governmental**
150 **entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock
151 operations, eligible student borrowers, eligible facility borrowers, or eligible water
152 supply systems at below the present borrowing rate applicable to each
153 **multitenant development enterprise**, small business, **alternative energy**
154 **operation**, **alternative energy consumer**, farming operation, eligible job
155 enhancement business, eligible marketing enterprise, eligible residential property
156 developer, eligible residential property owner, **eligible governmental entity**,
157 eligible agribusiness, eligible beginning farmer, eligible livestock operation,
158 eligible student borrower, or supply system at the time of the deposit of state
159 funds in the institution;

160 [(20)] **(22)** "Market rate", the interest rate tied to federal government
161 securities and more specifically described in subsection 4 of section 30.260;

162 [(21)] (23) "Professional forester", any individual who holds a bachelor
163 of science degree in forestry from a regionally accredited college or university
164 with a minimum of two years of professional forest management experience;

165 [(22)] (24) "Qualified biomass", any agriculture-derived organic material
166 or any wood-derived organic material harvested in accordance with a site-specific
167 forest management plan focused on long-term forest sustainability developed by
168 a professional forester and qualified, in consultation with the conservation
169 commission, by the agriculture and small business development authority;

170 [(23)] (25) "Water corporation", as such term is defined in section
171 386.020, RSMo;

172 [(24)] (26) "Water system", as such term is defined in section 386.020,
173 RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the
2 total amount so deposited at any one time shall not exceed, in the aggregate,
3 seven hundred twenty million dollars. No more than three hundred thirty million
4 dollars of the aggregate deposit shall be used for linked deposits to eligible
5 farming operations, eligible locally owned businesses, eligible agribusinesses,
6 eligible beginning farmers, eligible livestock operations, and eligible facility
7 borrowers, no more than one hundred ten million of the aggregate deposit shall
8 be used for linked deposits to small businesses, no more than twenty million
9 dollars shall be used for linked deposits to eligible multitenant development
10 enterprises, and no more than twenty million dollars of the aggregate deposit
11 shall be used for linked deposits to eligible residential property developers and
12 eligible residential property owners, no more than two hundred twenty million
13 dollars of the aggregate deposit shall be used for linked deposits to eligible job
14 enhancement businesses and no more than twenty million dollars of the aggregate
15 deposit shall be used for linked deposit loans to eligible water systems. Linked
16 deposit loans may be made to eligible student borrowers [and], eligible
17 alternative energy operations, **eligible alternative energy consumers, and**
18 **eligible governmental entities** from the aggregate deposit. If demand for a
19 particular type of linked deposit exceeds the initial allocation, and funds initially
20 allocated to another type are available and not in demand, the state treasurer
21 may commingle allocations among the types of linked deposits.

22 2. The minimum deposit to be made by the state treasurer to an eligible
23 lending institution for eligible job enhancement business loans shall be ninety
24 thousand dollars. Linked deposit loans for eligible job enhancement businesses

25 may be made for the purposes of assisting with relocation expenses, working
26 capital, interim construction, inventory, site development, machinery and
27 equipment, or other expenses necessary to create or retain jobs in the recipient
28 firm.

30.756. 1. An eligible lending institution that desires to receive a linked
2 deposit shall accept and review applications for linked deposit loans from eligible
3 multitenant enterprises, eligible farming operations, eligible alternative energy
4 operations, **eligible alternative energy consumers**, eligible locally owned
5 businesses, eligible small businesses, eligible job enhancement businesses,
6 eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers,
7 eligible livestock operations, eligible residential property developers, eligible
8 residential property owners, **eligible governmental entities**, eligible student
9 borrowers, eligible facility borrowers, and eligible water supply systems. An
10 eligible residential property owner shall certify on his or her loan application that
11 the reduced rate loan will be used exclusively to purchase, develop or rehabilitate
12 a multifamily residential property. The lending institution shall apply all usual
13 lending standards to determine the creditworthiness of each eligible multitenant
14 enterprise, eligible farming operation, eligible alternative energy operation,
15 **eligible alternative energy consumer**, eligible locally owned business, eligible
16 small business, eligible job enhancement business, eligible marketing enterprise,
17 eligible residential property developer, eligible residential property owner,
18 **eligible governmental entity**, eligible agribusiness, eligible beginning farmer,
19 eligible livestock operation, eligible student borrower, eligible facility borrower,
20 or eligible water supply system. No linked deposit loan made to any **eligible**
21 **multitenant development enterprise**, eligible farming operation, eligible
22 alternative energy operation, **eligible alternative energy consumer**, eligible
23 locally owned business, eligible livestock operation, eligible agribusiness, **eligible**
24 **beginning farmer, eligible job enhancement business, eligible**
25 **marketing enterprise, eligible residential property developer, eligible**
26 **residential property owner, eligible governmental entity, eligible**
27 **student borrower, eligible water supply system**, or eligible small business
28 shall exceed a dollar limit determined by the state treasurer in the state
29 treasurer's best judgment, except as otherwise limited. Any link deposit loan
30 made to an eligible facility borrower shall be in accordance with the loan amount
31 and loan term requirements in section 30.860.

32 2. An eligible farming operation, small business or job enhancement

33 business shall certify on its loan application that the reduced rate loan will be
34 used exclusively for necessary production expenses or the expenses listed in
35 subsection 2 of section 30.753 or the refinancing of an existing loan for production
36 expenses or the expenses listed in subsection 2 of section 30.753 of an eligible
37 farming operation, small business or job enhancement business. Whoever
38 knowingly makes a false statement concerning such application is guilty of a class
39 A misdemeanor. An eligible water supply system shall certify on its loan
40 application that the reduced rate loan shall be used exclusively to pay the costs
41 of upgrading or repairing an existing water system, constructing a new water
42 system, or making other capital improvements to a water system which are
43 necessary to improve the service capacity of the system.

44 3. In considering which eligible farming operations should receive
45 reduced-rate loans, the eligible lending institution shall give priority to those
46 farming operations which have suffered reduced yields due to drought or other
47 natural disasters and for which the receipt of a reduced-rate loan will make a
48 significant contribution to the continued operation of the recipient farming
49 operation.

50 4. The eligible financial institution shall forward to the state treasurer a
51 linked deposit loan package, in the form and manner as prescribed by the state
52 treasurer. The package shall include such information as required by the state
53 treasurer, including the amount of each loan requested. The institution shall
54 certify that each applicant is an **eligible multitenant development**
55 **enterprise**, eligible farming operation, eligible alternative energy operation,
56 **eligible alternative energy consumer**, eligible locally owned business, eligible
57 small business, eligible job enhancement business, eligible marketing enterprise,
58 eligible residential property developer, eligible residential property owner,
59 **eligible governmental entity**, eligible agribusiness, eligible beginning farmer,
60 eligible livestock operation, eligible student borrower, eligible facility borrower,
61 or eligible water supply system, and shall, for each **eligible mulitenant**
62 **development enterprise**, eligible farming operation, **eligible alternative**
63 **energy operation, eligible alternative energy consumer, eligible** small
64 business, eligible job enhancement business, eligible marketing enterprise,
65 eligible residential property developer, eligible residential property owner,
66 **eligible governmental entity**, eligible agribusiness, eligible beginning farmer,
67 eligible livestock operation, eligible student borrower, eligible facility borrower,
68 or eligible water supply system, certify the present borrowing rate applicable.

69 5. The eligible lending institution shall be responsible for determining if
70 a student borrower is an eligible student borrower. A student borrower shall be
71 eligible for an initial or renewal reduced-rate loan only if, at the time of the
72 application for the loan, the student is a citizen or permanent resident of the
73 United States, a resident of the state of Missouri as defined by the coordinating
74 board for higher education, is enrolled or has been accepted for enrollment in an
75 eligible higher education institution, and establishes that the student has
76 financial need. In considering which eligible student borrowers may receive
77 reduced-rate loans, the eligible lending institution may give priority to those
78 eligible student borrowers whose income, or whose family income, if the eligible
79 student borrower is a dependent, is such that the eligible student borrower does
80 not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as
81 amended (the Higher Education Amendments of 1986). The eligible lending
82 institution shall require the eligible student borrower to document that the
83 student has applied for and has obtained all need-based student financial aid for
84 which the student is eligible prior to application for a reduced-rate loan pursuant
85 to this section. In no case shall the combination of all financial aid awarded to
86 any student in any particular enrollment period exceed the total cost of
87 attendance at the institution in which the student is enrolled. No eligible lending
88 institution shall charge any additional fees, including but not limited to an
89 origination, service or insurance fee on any loan agreement under the provisions
90 of sections 30.750 to 30.765.

91 6. The eligible lending institution making an initial loan to an eligible
92 student borrower may make a renewal loan or loans to the student. The total of
93 such reduced-rate loans from eligible lending institutions made pursuant to this
94 section to any individual student shall not exceed the cumulative totals
95 established by 20 U.S.C. 1078, as amended. An eligible student borrower shall
96 certify on his or her loan application that the reduced rate loan shall be used
97 exclusively to pay the costs of tuition, incidental fees, books and academic
98 supplies, room and board and other fees directly related to enrollment in an
99 eligible higher education institution. The eligible lending institution shall make
100 the loan payable to the eligible student borrower and the eligible higher
101 education institution as co-payees. The method of repayment of the loan shall be
102 the same as for repayment of loans made pursuant to sections 173.095 to 173.186,
103 RSMo.

104 7. Beginning August 28, 2005, in considering which eligible multitenant

105 **development** enterprise, eligible farming operation, eligible alternative energy
106 operation, **eligible alternative energy consumer**, eligible locally owned
107 business, eligible small business, eligible job enhancement business, eligible
108 marketing enterprise, eligible residential property developer, eligible residential
109 property owner, **eligible governmental entity**, eligible agribusiness, eligible
110 beginning farmer, eligible livestock operation, eligible student borrower, eligible
111 facility borrower, or eligible water supply system should receive reduced-rate
112 loans, the eligible lending institution shall give priority to an eligible multitenant
113 enterprise, eligible farming operation, eligible alternative energy operation,
114 **eligible alternative energy consumer**, eligible locally owned business, eligible
115 small business, eligible job enhancement business, eligible marketing enterprise,
116 eligible residential property developer, eligible residential property owner,
117 **eligible governmental entity**, eligible agribusiness, eligible beginning farmer,
118 eligible livestock operation, eligible student borrower, eligible facility borrower,
119 or eligible water supply system that has not previously received a reduced-rate
120 loan through the linked deposit program. However, nothing shall prohibit an
121 eligible lending institution from making a reduced-rate loan to any entity that
122 previously has received such a loan, if such entity otherwise qualifies for such a
123 reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan
2 package or any portion thereof.

3 2. The state treasurer shall make a good faith effort to ensure that the
4 linked deposits are placed with eligible lending institutions to make linked
5 deposit loans to minority- or female-owned eligible multitenant enterprises,
6 eligible farming operations, eligible alternative energy operations, **eligible**
7 **alternative energy consumers**, eligible locally owned businesses, eligible
8 small businesses, eligible job enhancement businesses, eligible marketing
9 enterprises, eligible residential property developers, eligible residential property
10 owners, **eligible governmental entities**, eligible agribusinesses, eligible
11 beginning farmers, eligible livestock operations, eligible student borrowers,
12 eligible facility borrowers, or eligible water supply systems. Results of such effort
13 shall be included in the linked deposit review committee's annual report to the
14 governor.

15 3. Upon acceptance of the linked deposit loan package or any portion
16 thereof, the state treasurer may place linked deposits with the eligible lending
17 institution as follows: when market rates are five percent or above, the state

18 treasurer shall reduce the market rate by up to three percentage points to obtain
19 the linked deposit rate; when market rates are less than five percent, the state
20 treasurer shall reduce the market rate by up to sixty percent to obtain the linked
21 deposit rate, provided that the linked deposit rate is not below one percent. All
22 linked deposit rates are determined and calculated by the state treasurer. When
23 necessary, the treasurer may place linked deposits prior to acceptance of a linked
24 deposit loan package.

25 4. The eligible lending institution shall enter into a deposit agreement
26 with the state treasurer, which shall include requirements necessary to carry out
27 the purposes of sections 30.750 to 30.767. The deposit agreement shall specify
28 the length of time for which the lending institution will lend funds upon receiving
29 a linked deposit, and the original deposit plus renewals shall not exceed five
30 years, except as otherwise provided in this chapter. The agreement shall also
31 include provisions for the linked deposit of a linked deposit for an eligible facility
32 borrower, eligible multitenant enterprise, eligible farming operation, eligible
33 alternative energy operation, **eligible alternative energy consumer**, eligible
34 locally owned business, eligible small business, eligible marketing enterprise,
35 eligible residential property developer, eligible residential property owner,
36 **eligible governmental entity**, eligible agribusiness, eligible beginning farmer,
37 eligible livestock operation, eligible student borrower or job enhancement
38 business. Interest shall be paid at the times determined by the state treasurer.

39 5. The period of time for which such linked deposit is placed with an
40 eligible lending institution shall be neither longer nor shorter than the period of
41 time for which the linked deposit is used to provide loans at reduced interest
42 rates. The agreement shall further provide that the state shall receive market
43 interest rates on any linked deposit or any portion thereof for any period of time
44 for which there is no corresponding linked deposit loan outstanding to an eligible
45 multitenant enterprise, eligible farming operation, eligible alternative energy
46 operation, **eligible alternative energy consumer**, eligible locally owned
47 business, eligible small business, eligible job enhancement business, eligible
48 marketing enterprise, eligible residential property developer, eligible residential
49 property owner, **eligible governmental entity**, eligible agribusiness, eligible
50 beginning farmer, eligible livestock operation, eligible student borrower, eligible
51 facility borrower, or eligible water supply system, except as otherwise provided
52 in this subsection. Within thirty days after the annual anniversary date of the
53 linked deposit, the eligible lending institution shall repay the state treasurer any

54 linked deposit principal received from borrowers in the previous yearly period and
55 thereafter repay such principal within thirty days of the yearly anniversary date
56 calculated separately for each linked deposit loan, and repaid at the linked
57 deposit rate. Such principal payment shall be accelerated when more than thirty
58 percent of the linked deposit loan is repaid within a single monthly period. Any
59 principal received and not repaid, up to the point of the thirty percent or more
60 payment, shall be repaid within thirty days of that payment at the linked deposit
61 rate. Finally, when the linked deposit is tied to a revolving line of credit
62 agreement between the banking institution and its borrower, the full amount of
63 the line of credit shall be excluded from the repayment provisions of this
64 subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending
2 institution, such institution is required to lend such funds to each approved
3 eligible multitenant enterprise, eligible farm operation, eligible alternative energy
4 operation, **eligible alternative energy consumer**, eligible locally owned
5 business, eligible small business, eligible job enhancement business, eligible
6 marketing enterprise, eligible residential property developer, eligible residential
7 property owner, **eligible governmental entity**, eligible agribusiness, eligible
8 beginning farmer, eligible livestock operation, eligible student borrower, eligible
9 facility borrower, or eligible water supply system listed in the linked deposit loan
10 package required by section 30.756 and in accordance with the deposit agreement
11 required by section 30.758. The loan shall be at a fixed rate of interest reduced
12 by the amount established under subsection 3 of section 30.758 to each eligible
13 multitenant enterprise, eligible farming operation, eligible alternative energy
14 operation, **eligible alternative energy consumer**, eligible locally owned
15 business, eligible small business, eligible job enhancement business, eligible
16 marketing enterprise, eligible residential property developer, eligible residential
17 property owner, **eligible governmental entity**, eligible agribusiness, eligible
18 beginning farmer, eligible livestock operation, eligible student borrower, eligible
19 facility borrower, or eligible water supply system as determined pursuant to rules
20 and regulations promulgated by the state treasurer under the provisions of
21 chapter 536, RSMo, including emergency rules issued pursuant to section
22 536.025, RSMo. In addition, the loan agreement shall specify that the eligible
23 multitenant enterprise, eligible farming operation, eligible alternative energy
24 operation, **eligible alternative energy consumer**, eligible locally owned
25 business, eligible small business, eligible job enhancement business, eligible

26 marketing enterprise, eligible residential property developer, eligible residential
27 property owner, **eligible governmental entity**, eligible agribusiness, eligible
28 beginning farmer, eligible livestock operation, eligible student borrower, eligible
29 facility borrower, or eligible water supply system shall use the proceeds as
30 required by sections 30.750 to 30.765, and that in the event the loan recipient
31 does not use the proceeds in the manner prescribed by sections 30.750 to 30.765,
32 the remaining proceeds shall be immediately returned to the lending institution
33 and that any proceeds used by the loan recipient shall be repaid to the lending
34 institution as soon as practicable. All records and documents pertaining to the
35 programs established by sections 30.750 to 30.765 shall be segregated by the
36 lending institution for ease of identification and examination. A certification of
37 compliance with this section in the form and manner as prescribed by the state
38 treasurer shall be required of the eligible lending institution. Any lender or
39 lending officer of an eligible lending institution who knowingly violates the
40 provisions of sections 30.750 to 30.765 is guilty of a class A misdemeanor.

41 2. The state treasurer shall take any and all steps necessary to implement
42 the linked deposit program and monitor compliance of eligible multitenant
43 enterprises, eligible lending institutions, eligible farming operations, eligible
44 alternative energy operations, **eligible alternative energy consumers**, eligible
45 locally owned businesses, eligible small businesses, eligible job enhancement
46 businesses, eligible marketing enterprises, eligible residential property
47 developers, eligible residential property owners, **eligible governmental**
48 **entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock
49 operations, eligible facility borrowers, or eligible water supply systems.

30.765. The state and the state treasurer are not liable to any eligible
2 lending institution in any manner for payment of the principal or interest on the
3 loan to an eligible multitenant enterprise, eligible farm operation, eligible
4 alternative energy operation, **eligible alternative energy consumer**, eligible
5 locally owned business, eligible small business, eligible job enhancement business,
6 eligible marketing enterprise, eligible residential property developer, eligible
7 residential property owner, **eligible governmental entity**, eligible
8 agribusiness, eligible beginning farmer, eligible livestock operation, eligible
9 student borrower, eligible facility borrower, or eligible water supply system. Any
10 delay in payments or default on the part of an eligible multitenant enterprise,
11 eligible farming operation, eligible alternative energy operation, **eligible**
12 **alternative energy consumer**, eligible locally owned business, eligible small

13 business, eligible job enhancement business, eligible marketing enterprise,
14 eligible residential property developer, eligible residential property owner,
15 **eligible governmental entity**, eligible agribusiness, eligible beginning farmer,
16 eligible livestock operation, eligible student borrower, eligible facility borrower,
17 or eligible water supply system does not in any manner affect the deposit
18 agreement between the eligible lending institution and the state treasurer.

✓

Unofficial

Bill

Copy